IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 35653/35654

STATE OF IDAHO,	)	**2009 Unpublished Opinion No. 493**
	)	
Plaintiff-Respondent,	)	**Filed: June 8, 2009**
	)	
v.	)	**Stephen W. Kenyon, Clerk**
	)	
YOLANDA MICHELLE ARCHULETA,	)	**THIS IS AN UNPUBLISHED**
	)	**OPINION AND SHALL NOT**
Defendant-Appellant.	)	**BE CITED AS AUTHORITY**
	)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Darla S. Williamson, District Judge.

Judgment of conviction and determinate sentence of ten years for burglary and consecutive indeterminate sentence of ten years for grand theft, affirmed; judgment of conviction and concurrent determinate sentences of five years for two counts of criminal possession of a financial transaction card, affirmed; order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth Ann Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; PERRY, Judge;
and GRATTON, Judge

PER CURIAM

Yolanda Michelle Archuleta pled guilty to burglary and grand theft. Idaho Code §§ 18-1401, 18-2403(1), 18-2407(1)(b). Subsequently, Archuleta pled guilty to two counts of criminal possession of a financial transaction card. I.C. § 18-3125(6). The district court sentenced Archuleta to a sentence of ten years determinate for the burglary charge, ten years with no determinate term for the grand theft charge, to run consecutively, and five years determinate for each count of criminal possession, to be served concurrently with the burglary and grand theft sentences. Archuleta filed an Idaho Criminal Rule 35 motion, which the district court denied.

Archuleta appeals, arguing that the sentences were unduly harsh and that the district court abused its discretion in denying her I.C.R. 35 motion.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Next, we review whether the district court erred in denying Archuleta's Rule 35 motion. A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). In conducting our review of the grant or denial of a Rule 35 motion, we consider the entire record and apply the same criteria used for determining the reasonableness of the original sentence. *State v. Forde*, 113 Idaho 21, 22, 740 P.2d 63, 64 (Ct. App. 1997); *Lopez*, 106 Idaho at 449-51, 680 P.2d at 871-73. Upon review of the record, we conclude no abuse of discretion has been shown.

Therefore, Archuleta's judgments of conviction and sentences, and the district court's order denying Archuleta's Rule 35 motion, are affirmed.